

Electronically Filed April 7, 2023

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME
FOR HEARING DEBTOR'S MOTION
FOR ENTRY OF AN ORDER:
(A) APPROVING AUCTION AND
BIDDING PROCEDURES FOR
POTENTIAL PLAN SPONSORS OR
THE PURCHASE OF SUBSTANTIALLY
ALL OF THE DEBTOR'S ASSETS;
(B) APPROVING FORM NOTICE TO
BE PROVIDED TO INTERESTED
PARTIES; AND (C) SCHEDULING A
HEARING TO CONSIDER APPROVAL
OF THE HIGHEST AND BEST
TRANSACTION, CURE OBJECTIONS,
AND CONFIRMATION OF THE
PROPOSED TOGGLE PLAN**

Hearing Date: N/A

Hearing Time: N/A

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Cash Cloud, Inc. d/b/a Coin Cloud (“Cash Cloud,” or “Debtor”), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “Chapter 11 Case”), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the “Application”) on Debtor’s *Motion for Entry of an Order: (A) Approving Auction and Bidding Procedures for Potential Plan Sponsors or the Purchase of Substantially all of the Debtor’s Assets; (B) Approving Form Notice to be Provided to Interested Parties; and (C) Scheduling a Hearing to Consider Approval of the Highest and Best Transaction, Cure Objections, and Confirmation of the Proposed Toggle Plan* (the “Motion”).¹ This Application is made and based upon the following points and authorities, the *Declaration of Brett A. Axelrod* (the “Axelrod Declaration”) in support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently herewith, and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice of which is respectfully requested.

WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court hear the Motion on an order shortening time and requests a hearing date of April 25, 2023, and grant such other and further relief as may be just and proper.

Dated this 7th day of April, 2023.

FOX ROTHSCHILD LLP

By: /s/Brett A. Axelrod
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¹ Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),
5 seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,
11 when an act is required or allowed to be done at or within a specified
12 time by these rules or by a notice given thereunder or by order of court,
the court for cause shown may in its discretion with or without motion
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. The DIP Financing Agreement
22 requires the Debtor to meet certain milestones with respect to either confirmation of a plan of
23 reorganization or the sale of the Debtor’s assets. The Official Committee of Unsecured Creditors has
24 requested an expedited marketing and auction process. The Debtor has filed this Motion seeking
25 approval of the proposed bid procedures in sufficient time to meet both the Committee’s requested
26 time line and the DIP milestones.

27 Copies of the Motion and their related pleadings shall be served on (a) the Office of the
28 United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to

the DIP Lender; (e) Debtor's secured creditors and (f) the parties that have filed requests for special notice in the Chapter 11 Case.

Counsel Has Conferred With the Notice Parties.

Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently herewith and incorporated by reference herein.

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and seeks a hearing on April 25, 2023 for the Motion and grant such other and further relief as may be just and proper.

Dated this 7th day of April, 2023.

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EXHIBIT A

DECLARATION AFFIRMING REQUESTED RELIEF

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 7th day of April 2023.

By /s/Brett A. Axelrod
BRETT A. AXELROD